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10/061,636	02/01/2002	Richard Soltys	120109.404	1830

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EXAMINER

COBURN, CORBETT B

ART UNIT PAPER NUMBER

3714

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,636

Applicant(s)

SOLTYS ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-5. 6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claims 4, 30 are objected to because of the following informalities: The claims are written as two sentences. Claims must be a single sentence. Appropriate correction is required.
2. Claim 30 is objected to because of the following informalities: The limitations repeat after the period.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the imaging device to determine if the wager has been placed on a table must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 5-7 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for collecting win/loss statistics for the primary player, does not reasonably provide enablement for determining the odds of the primary player winning or losing based on these statistics. The specification does not enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. For example, Applicant teaches that the primary player may play roulette. Examiner agrees that the Applicant enables the collection of win/loss statistics for the primary player's roulette games. However, these statistics have absolutely no bearing on the odds for or against the primary player winning the next roulette game played. The odds are determined by the game itself. For instance, the odds that the ball will land on 16 are independent of the number of times the player has won or lost. The same analysis is applicable to any of the games described in the Specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 8, 9, 11-15, 18, 20-23, 25-29, 31, 32, 35 & 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Karmarkar (US Patent Number 6,508,709).

Claims 1, 15, 28, 35: Karmarkar teaches a method of wagering, comprising: receiving a primary wager from a primary player regarding an outcome of a gaming event; and receiving a secondary wager from a secondary player regarding an outcome of the primary wager of the primary player. Karmarkar teaches that the remote player (i.e., secondary player) may bet either for or against the actual player (i.e., primary player) in a

casino game. (Abstract) The performance of the function suggests the existence of the hardware and software needed to perform that function.

Claims 2, 21, 29: Karmarkar teaches determining the outcome of the gaming event; determining the outcome of the primary wager based on the determined outcome of the gaming event; and determining the outcome of the secondary wager based on the determined outcome of the primary wager. (Abstract) The player bets either for or against the casino player. Thus the system must determine outcome of the gaming event. In casinos, the casino player's wager (the primary wager) is determined by the outcome of the casino (primary) game. Since the player bets for or against the primary player, the outcome of the secondary wager is based on the determined outcome of the primary wager.

Claims 3, 22, 23: Karmarkar teaches that the primary game may be an actual casino game. (Col 6, 11-15) In actual casino games, the casino determines the outcome of the gaming event; determines the outcome of the primary wager based on the determined outcome of the gaming event; pays winnings to the primary player if the outcome of the primary wager is successful; and collects the wager from the primary player if the outcome of the primary wager is unsuccessful.

Claims 4, 25, 26: Karmarkar teaches determining the outcome of the gaming event; determining the outcome of the primary wager based on the determined outcome of the gaming event; paying winnings to the primary player if the outcome of the primary wager is successful; collecting the wager from the primary player if the outcome of the primary wager is unsuccessful; determining the outcome of the secondary wager based on the

determined outcome of the primary wager; paying winnings to the secondary player if the outcome of the secondary wager is successful; and collecting the wager from the secondary player if the outcome of the secondary wager is unsuccessful. (Figs 15 & 16)

Claim 8: Karmarkar teaches that the disclosure encompasses any game in which a player can bet “for or against”(Col 18, 40-48). This includes receiving a tertiary wager from a tertiary player regarding an outcome of the secondary wager of the secondary player.

Claim 9: Karmarkar teaches receiving a primary wager from a primary player regarding an outcome of a gaming event includes receiving at least one wagering piece from the primary wager at a gaming event site at which an occurrence of the gaming event takes place. Karmarkar teaches wagering in a casino on casino games. This is the gaming event site at which an occurrence of the gaming event takes place.

Claim 11: Karmarkar teaches receiving a primary wager from a primary player regarding an outcome of a gaming event, includes, receiving at least one wagering piece at a gaming table. (Fig 1A, 76)

Claims 12, 18: Karmarkar teaches that the primary game may be a slot machine. (Col 9, 37-46) Thus Karmarkar teaches receiving a primary wager from a primary player regarding an outcome of a gaming event, includes, receiving at least one of cash and a wagering piece at a gaming machine. Slot machines automatically detect the receipt of a wagering piece prior to starting the game.

Claim 13: Karmarkar’s Fig 5 shows receiving a secondary wager from a secondary player regarding an outcome of the primary wager of the primary player, includes

receiving a communication from a remote site, the remote site being remote with respect to a site of an occurrence of the gaming event.

Claim 14: Karmarkar's Fig 5 shows receiving a secondary wager from a secondary player regarding an outcome of the primary wager of the primary player, includes receiving at least one wagering piece from the secondary wager at a gaming event site at which an occurrence of the gaming event takes place – the licensed local site.

Claim 20: Karmarkar teaches receiving secondary wager information regarding a secondary wager placed by a secondary player regarding an outcome of the primary wager of the primary player, includes receiving a communications signal from an electronically operated communications device operated by the secondary player before an occurrence of the gaming event. (Wager Acceptor 106, Fig 1C)

Claim 27, 31: Karmarkar teaches determining the outcome of the primary wager based on the determined outcome of the gaming event; determining the outcome of the secondary wager based on the determined outcome of the primary wager; crediting winnings to a player account corresponding to the secondary player if the outcome of the secondary wager is successful; and debiting the player account in an amount of the wager if the outcome of the secondary wager is unsuccessful. (Figs 15 & 16)

Claim 32: Karmarkar teaches a secondary wager input device (106) to produce secondary wager information regarding a secondary wager placed on the outcome of a primary wager; and a processor (100) coupled to receive the secondary wager information and programmed to determine the outcome of the secondary wager based on an outcome of the primary wager. (Fig 1C)

Claim 37: There is a table imager (80) positioned to image at least one wager and at least one gaming event to produce wager information and gaming event information; and a processor coupled to receive the wager information and the gaming event information from the table imager and programmed to determine the outcome of the gaming event based on the gaming event information, to determine the outcome of a primary wager based on the determined outcome of the gaming event and the wager information; and to determine the outcome of a secondary wager based on the determined outcome of the primary wager and the wager information. (Abstract)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar as applied to claim 1 above, and further in view of Corkin, Jr. (US Patent Number 4,031,376).

Claims 5 & 6: Karmarkar teaches the invention substantially as claimed but does not teach determining statistics for the primary player based the success of primary wagers placed by the primary player; and displaying the determined statistics for the primary player to at least the second player. Nor does Karmarkar teach determining odds for the secondary wager based at least in part on the success of a number of previous primary wagers placed by the primary player; and displaying the determined odds to at least the secondary player. Corkin teaches an odds calculator that uses the past performance to

determine the odds of winning. (Abstract) Corkin teaches that the player enters the number of first, second, and third place finishes in the calculator. Obviously, when each number is entered, it is displayed. Corkin then displays the calculated odds to the player. This allows the player to determine what horse to back. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Karmarkar in view of Corkin to determine statistics for the primary player based the success of primary wagers placed by the primary player; and display the determined statistics for the primary player to at least the second player; determine the odds for the secondary wager based at least in part on the success of a number of previous primary wagers placed by the primary player; and display the determined odds to at least the secondary player in order to help the player determine which primary player to back.

Claim 7: Karmarkar teaches the invention substantially as claimed, including basing the payoff on the determined odds. (Col 18, 24-30) Karmarkar fails to teach determining the odds based on the primary player's past performance. Corkin teaches an odds calculator that uses the past performance to determine the odds of winning. (Abstract) Corkin teaches that the player enters the number of first, second, and third place finishes in the calculator. This allows the player to determine what horse to back. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Karmarkar in view of Corkin to determine statistics for the primary player based the success of primary wagers placed by the primary player; and display the determined statistics for the primary player to at least the second player; determine the odds for the secondary wager based at least in part on the success of a number of previous primary

wagers placed by the primary player; and display the determined odds to at least the secondary player in order to help the player determine which primary player to back.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar as applied to claim 1 above, and further in view of Lindo (US Patent Number 6,575,834).

Claim 10: Karmarkar teaches the invention substantially as claimed but does not teach that receiving a primary wager from a primary player regarding an outcome of a gaming event includes receiving at least one wagering piece from the primary wager at a remote site, the remote site being remote with respect to a gaming event site at which an occurrence of the gaming event takes place. Lindo teaches a system for remote play of a casino game. (Abstract) This allows people to play the casino game from anywhere in the world (Col 2, 49-51) – thus greatly increasing the pool of potential players. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Karmarkar in view of Lindo so that receiving a primary wager from a primary player regarding an outcome of a gaming event includes receiving at least one wagering piece from the primary wager at a remote site, the remote site being remote with respect to a gaming event site at which an occurrence of the gaming event takes place in order to allow people to play the casino game from anywhere in the world – thus greatly increasing the pool of potential players.

11. Claims 16, 17, 19, 34 & 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar as applied to claim 15, 32, 35 above, and further in view of Lindquist (US Patent Number 6,532,297).

Claims 16, 19: Karmarkar teaches the invention substantially as claimed, but fails to teach that receiving primary wager information regarding a primary or secondary wager placed by a primary or secondary player regarding an outcome of a gaming event, includes automatically detecting at least one wagering piece placed on a gaming table by the primary or secondary player before an occurrence of the gaming event. Lindquist teaches a gambling chip recognition system that automatically detecting at least one wagering piece placed on a gaming table by the player before an occurrence of the gaming event. (Abstract) This allows the casino to cut down on casino expenses by deleting the cost to encode the chips with readable information. (Col 2, 25-28) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Karmarkar in view of Lindquist to receive primary or secondary wager information regarding a primary wager placed by a primary or secondary player regarding an outcome of a gaming event, by automatically detecting at least one wagering piece placed on a gaming table by the primary or secondary player before an occurrence of the gaming event in order to cut down on casino expenses by deleting the cost to encode the chips with readable information.

Claim 17: Lindquist teaches a gambling chip recognition system that automatically images at least one wagering piece placed on a gaming table by the primary player before an occurrence of the gaming event.

Claim 34, 36: Lindquist's chip recognition system includes an imager positioned to image at least one wagering piece on a gaming table

12. Claims 24, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar as applied to claim 15 or 28.

Claims 24, 30: Karmarkar teaches the invention substantially as claimed but does not explicitly teach crediting winnings to a player account corresponding to the primary player if the outcome of the primary wager is successful; and debiting the player account in an amount of the wager if the outcome of the primary wager is unsuccessful.

Karmarkar teaches crediting winnings to a player account corresponding to the secondary player if the outcome of the secondary wager is successful; and debiting the player account in an amount of the wager if the outcome of the secondary wager is unsuccessful.

(Fig 15) It is virtually inconceivable that a casino would not go to the trouble and expense of setting up a player account system and not allow primary players to use it.

Player accounts allow players to gamble without having to carry cash. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Karmarkar to credit winnings to a player account corresponding to the primary player if the outcome of the primary wager is successful; and debit the player account in an amount of the wager if the outcome of the primary wager is unsuccessful in order to allow primary players to gamble without having to carry cash.

13. Claims 33 & 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar as applied to claim 32 or 37 above, and further in view of Franchi (US Patent Number 5,770,533).

Claim 33: Karmarkar teaches the invention substantially as claimed. Karmarkar teaches a portable input device (goggles 250), but the device is not technically "hand held".

Franchi teaches a wager input device that is a handheld communications device. (Fig 16) Handheld devices are cheaper and more sanitary than goggles. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Karmarkar in view of Franchi to include a wager input device that is a handheld communications device in order to cut costs and improve sanitation.

Claim 38: Karmarkar teaches the invention substantially as claimed. Karmarkar teaches that the primary game may be a card game, but does not teach details of how the casino implements that game. Karmarkar fails to teach a deck reader positioned to read at least one identifier from each of a plurality of playing cards. Deck readers are notoriously well known in the art. Casinos use them to monitor the dealers to prevent cheating. Franchi teaches such a card reader. (Fig 9) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Karmarkar in view of Franchi to a deck reader positioned to read at least one identifier from each of a plurality of playing cards include a deck reader positioned to read at least one identifier from each of a plurality of playing cards in order to monitor the dealers to prevent cheating.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


cbc



JESSICA HARRISON
PRIMARY EXAMINER